

Rio Mesa Solar Electric Generating Facility (RMSEGF)
(11-AFC-4)
Applicant's Specific Comments on the Preliminary Staff Assessment

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SPECIFIC COMMENTS

1. **Page 4.3-1, First Full Paragraph:** Applicant suggests revising as follows for consistency with CEQA:

This environmental assessment identifies the potential impacts of the Rio Mesa Solar Electric Generating Facility (Rio Mesa SEGF) project on cultural resources. The term “cultural resource” means any tangible or observable evidence of past human activity, regardless of significance, found in direct association with a geographic location, including tangible properties possessing intangible traditional cultural values. This environmental assessment analyzes which cultural resources qualify as historical resources, which are defined under California state law as including, but not necessarily limited to, “any object, building, structure, site, area, place, record, or manuscript that is which a lead agency determines to be historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California...provided the lead agency’s determination is supported by substantial evidence in light of the whole record”. Classified by their origins, three kinds of cultural resources are considered in this assessment: prehistoric, ethnographic, and historic. Under federal and state historic preservation law, cultural resources generally must be at least 50 years old to have sufficient historical importance to merit consideration of eligibility for listing in the California Register of Historical Resources (CRHR). A resource less than 50 years of age must be of exceptional historical importance to be considered for listing.

2. **Page 4.3-1, Last Full Paragraph:** Applicant notes that ethnographic resources are not defined under state law and the definition is not supported by any state or federally approved citations. Please provide references to support this definition.
3. **Page 4.3-2, Third Full Paragraph:** Applicant suggests revising as follows for consistency with CEQA:

If cultural resources are present, staff identifies recommends to the Commission which are historically significant (defined as eligible for the CRHR or by other significance criteria) historical resources, and whether the Rio Mesa SEGF would have a substantial adverse impact on those that are determined to be historically significant. Staff’s primary concern is to ensure that all potentially historically significant cultural resources are identified, all potential project-related impacts to those resources are identified and assessed, and conditions are proposed that ensure that all significant impacts to historical resources that cannot be avoided are mitigated to a less-than-significant level, or to the extent feasible.

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4. **Page 4.3-2, Summary of Conclusions, First Sentence:** Applicant disagrees with the conclusions of significant unmitigable impacts and disagrees that as many as 108 sites should be tested or presumed eligible pending testing. See Cultural Resources General Comment 2.
5. **Page 4.3-3, First Paragraph:** Applicant suggests revising to reflect that mitigation for the proposed PTNCL and PQAD (standard measures and **CUL -1** fee and **CUL -6** data recovery) will mitigate project impacts to a less than significant level, as was the determination for the Rice, Palen, Blythe and Genesis solar projects:

...Staff therefore proposes conditions of certification to mitigate these impacts to ~~the extent feasible~~ a less than significant level.
6. **Page 4.3-3, Last Paragraph:** Applicant suggests revising to delete **CUL-8**, and reflect that mitigation for the proposed DTCCL (**CUL-2** -fee and **Cul-3** through **CUL-5** - standard monitoring measures) will mitigate impacts to a less than significant level on a project and cumulative basis, as was the determination for the Rice solar project:

...Staff proposes conditions of certification to mitigate these impacts to ~~the extent feasible~~ a less-than-significant level.
7. **Page 4.3-4, Second Full Paragraph:** Applicant recommends deleting references to **CUL-14**, as there is no soil borrow and disposal site associated with the project.
8. **Page 4.3-4, Last Two Paragraphs:** Applicant suggests revising to reflect that neither the portion of the Bradshaw Trail on the project site nor the PVID are CHRH eligible.
9. **Page 4.3-5, Cultural Resources Table 1:** Applicant suggests revising the Proposed Mitigation and Impact Reduction column to reflect the measures that will reduce project impacts to a less than significant level, consistent with findings for prior CEC approval (e.g. Rice solar project), as follows:

Cultural Resources Table 1
Summary of Significant Rio Mesa SEGF Impacts to Historical Resources, Including Those Still Under Evaluation, and Proposed Mitigation

Resource Type	Resource Identifier	Rio Mesa SEGF Impact	Proposed Mitigation and Impact Reduction
Prehistoric Archaeological Resources			
	PTNCL/District (PTNCL)	Significant physical cumulative impacts; other impacts to be determined	CUL-1; impacts reduced to extent feasible <u>less than significant</u>
	PQAD (PQAD)	Impacts to be determined	CUL-6 (under development; expectation for impacts to be reduced to extent feasible <u>less than significant</u>)

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Resource Type	Resource Identifier	Rio Mesa SEGF Impact	Proposed Mitigation and Impact Reduction
	Up to 108 107 individual archaeological sites, some of which may be contributors to the PTNCL and/or the PQAD	Impacts to be determined	CUL-6 (under development) expectation for impacts to be reduced to extent <u>feasible-less than significant</u>)
	Unknown number of buried prehistoric archaeological resources discovered during construction and determined by the Energy Commission to be eligible for the CRHR	Impacts to be determined when discovered; <u>from unanticipated discoveries</u>	CUL-3–CUL-5, CUL-11–CUL-15; impact less than significant with staff's proposed mitigation
Historical Archaeological Resources			
	Desert Training Center Cultural Landscape/District (DTCCL)	Significant physical cumulative impacts	CUL-2, CUL-9; expectation for impacts to be reduced to extent <u>feasible-less than significant</u>
	Up to 32 DTC Maneuver sites, all of which are contributors to the DTCCL	Significant direct physical impacts	CUL-58; impacts less than significant with staff's proposed mitigation
	More than 50 DTC Food-Related Sites, all of which are contributors to the DTCCL	Significant direct physical impacts	None; extant recordation sufficient mitigation

10. **Page 4.3-5, Cultural Resources Table 1:** Applicant disagrees that the proposed ethnographic resources are CRHR eligible or that the PSA analysis is consistent with CEQA, but at minimum, the proper CEQA determination would be "(under development); impacts less than significant with staff's proposed mitigation" and suggests revising the Proposed Mitigation and Impact Reduction column to reflect the measures that will reduce project impacts to a less than significant level, as follows:

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Ethnographic Resources			
	Salt Song Trail Landscape	Significant direct physical impacts to contributing features; significant direct impacts to associative values; significant indirect impacts to Salt Song participants	Unmitigable - (under development); impacts less than significant with staff's proposed mitigation
	Keruk Trail/Xam Kwatcan/Earth Figures Landscape	Significant direct physical impacts to contributing features; significant direct impacts to associative values; significant indirect impacts to Dream Trail participants	Unmitigable - (under development); impacts less than significant with staff's proposed mitigation
	Palo Verde Mesa Ethnographic Landscape	Significant direct physical impacts to contributing features; significant indirect and disproportionate impact to Mesa Zone	CUL-1, CUL-7 (under development); impacts less than significant with staff's proposed mitigation

11. **Page 4.3-7, Cultural Resources Table 2:** Applicant suggests revising Table 2 as follows for consistency with LORS:

Applicable LORS	Description
Federal	
Antiquities Act of 1906 16 United States Code (USC) 431 and 433	Establishes criminal penalties for unauthorized destruction or appropriation of "any historic or prehistoric ruin or monument, or any object of antiquity" on federal land; empowers the President to establish historical monuments and landmarks.
<u>National Historic Preservation Act of 1966 (NHPA), as amended 16 USC 470 et seq.</u>	<u>The NHPA establishes national policy of acquisition, preservation; creates the framework within which cultural resources are managed; requires federal agencies to consider significant cultural resources prior to undertakings; establishes the process for consultation among interested parties, the lead agencies, Native American tribes and the State Historic Preservation Officer, and for government to government consultation between federal agencies and Native American Tribal government. Section 106 defines the process for identifying and evaluating cultural resources and determining whether a project will result in adverse effect son them and addresses the mitigation of adverse effects.</u>
Use of Human Subjects 45 Code of Federal Regulations (CFR) 46.101	Provides for non-disclosure of confidential information that may otherwise lead to harm of the human subject divulging confidential information.

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U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) Intermodal Surface Transportation Efficiency Act of 1991 162 <u>23</u> USC 162, Title 23	Established to help recognize, preserve and enhance selected roads throughout the United States. The policy sets forth the procedures for the designation by the U.S. Secretary of Transportation of certain roads as National Scenic Byways or All-American Roads based on their archaeological, cultural, historic, natural, recreational, and scenic qualities. The Bureau of Land Management manages scenic byways as Back Country Byways.
California Public Records Act California Government Code § 6250.10 6254.10	Provides for non-disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.
Riverside County Planning Department, Cultural Resources Review http://www.rctlma.org/planning/content/devproc/culture/arch_survey_standards_phase1_2_3_4.pdf	All professional-level archaeologists desiring to submit technical reports to the County of Riverside must be certified with the County. The County has published cultural resources (archaeological) investigations standard scopes of work.

12. **Page 4.3-10, Second Full Paragraph:** The Project vicinity description should note that the transmission corridor is on land managed by the BLM:

The proposed site for the Rio Mesa SEGF project is partly on a broad landform referred to as Palo Verde Mesa near the southeastern corner of Riverside County, California (see **Cultural Resources Figure 1**). The facility site, approximately 13 miles southwest of the City of Blythe, is primarily on land leased from the Metropolitan Water District of Southern California, but in the near vicinity is public land administered by the Palm Springs-South Coast Field Office of the Bureau of Land Management (BLM), and the transmission lines cross BLM-managed lands. The project, as proposed, includes the facility site, the construction logistics area, the transmission line corridor, two access road corridors, and four drainage crossing updates. Overall, the proposed area of disturbance includes approximately 5,993 acres (URS 2012j:fig. 1).

13. **Page 4.3-14, Second Paragraph, Seventh Sentence:** The sentence as currently worded is slightly deceptive, as it suggests a younger antiquity for the Qpv than is currently understood. Applicant suggests revising as follows:

The most recent alluvial fan deposits (e.g., Qa6) may in places overly the Palo Verde Mesa (Qpv), some older fan units (such as Qa3) may be of sufficient antiquity that they interfinger with Qpv at depth. ~~but on Sedimentary deposits from some of the more recent lobes of that system appear to interfinger with the sedimentary deposits of the alluvial terrace.~~

14. **Page 4.3-15, Last Paragraph:** Geoarchaeology is not a historical resource site type, Applicant recommends deleting from the list:

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Below staff first explains its data-gathering and analytic processes. Staff then compiles and presents the Rio Mesa SEGF cultural resources inventory by resource type, with the types addressed in the following order:

Geoarchaeology
Prehistoric Archaeological Resources
Historical Archaeological Resources
Ethnographic Resources
Historic-Period Built-Environment Resources

15. **Page 4.3-19, Second Paragraph, Second sentence:** Applicant suggests revising as follows for consistency with CEQA:

However, even if a cultural resource is not listed or determined to be eligible for listing in the CRHR, CEQA allows a lead agency to make a determination that a resource is historically significant, and is therefore treated under CEQA as a "historical resource" 14 Cal. Code Regs. § 151064.5(a). ~~as to whether it is a historical resource and, therefore, historically significant (Pub. Resources Code, § 21084.1).~~

16. **Page 4.3-21, Last Paragraph:** Applicant suggests revising for consistency with CEQA:

Under CEQA, "a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment" (Pub. Res. Code, § 21084.1). Staff analyzes whether a proposed project would cause a substantial adverse change in the significance of any historical resources ~~identified in the Cultural Resources Inventory as CRHR-eligible, or as otherwise significant (Cal. Code Regs., tit. 14 § 15064.5(a)).~~

17. **Page 4.3-22, Third Bullet:** Applicant suggests revising as follows for consistency with CEQA:

- Consider how subject resources' historical significance are manifested physically ~~and perceptually~~, and assess the baseline integrity of those physical characteristics and contexts.

18. **Page 4.3-22, Fifth Bullet:** Applicant suggests revising as follows for consistency with CEQA:

- Analyze whether potential project impacts would alter ~~any historical resources to the extent that any such resource would no longer be able to convey its historical significance in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR. Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (15064.5 (b)(1) & (2)).~~

19. **Page 4.3-26, CHRIS Data, First Paragraph:** Applicant suggests revising as follows to correct factual information which is provided in staff second sentence which states the third search was conducted for the current proposed access routes, as shown on all record search results maps provided to staff to date:

A total of four CHRIS searches for the Rio Mesa SEGF were performed on behalf of the Applicant in preparation of the AFC. Overall, the search area included the area within the project site boundaries, as defined in the original AFC (7,529 acres), a 1.0-mile buffer around the project site, and a 0.25-mile buffer on either side of the centerline of the

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proposed transmission line (Nixon et al. 2011:2-50–2-56). On December 22, 2010, prior to initiation of the field investigations, URS requested that the staff of the CHRIS EIC conduct a records search within Riverside County for the project site boundaries, a 1.0-mile buffer around the project site, and a 0.25-mile buffer on either side of the centerline of the proposed transmission line. Locations for the proposed Southern California Edison (SCE) Colorado River Substation expansion area and the alternative substation location had not yet been defined at the time of this initial record search, but on February 22, 2011, URS submitted a supplemental record search request to the EIC for additional acreage to cover these. Also in February, URS submitted a separate record search request to the South Coastal Information Center (SCIC), located at San Diego State University, including portions of the record search radius that are within Imperial County. In April, 2011, a third supplemental record search request for the proposed access routes was submitted to the EIC which covered the proposed access routes. ~~It is unclear what additional area this third search covered.~~

20. **Page 4.3-29, Table 3:** It is not clear what previous site searches in the "vicinity" includes. Therefore, Applicant suggests clarifying whether this site total presented in this table reflects the total number of previous studies conducted within the required record search radius of the current project site, or the prior record searches of the previously proposed project site, which was much larger. Further, while the "Total" row on the bottom is appropriate, it is not clear why there is a "Total" column on the far right. This "total" would appear to double count sites, as sites excluded from the PAA would still be found in the record search. The relevant information appears to be totals in the record search radius and the sites within the PAA. There is no need for the column "Excluded from the PAA."
21. **Page 4.3-33, First Full Paragraph, Last Sentence:** The PSA assumes that there are features on site associated with ceremonial activities - such hypotheses have not been proven. That sentence should be deleted:
- Previous investigations in the project vicinity, including the Applicant's pedestrian surveys of areas that have since been excluded from the prehistoric archaeological PAA, have provided a detailed picture of the prehistoric archaeological feature types present. In **Cultural Resources Table 4**, staff re-classified all of the features reviewed into the feature types identified above. Of all features identified by staff, 85 percent (n=1,083) are lithic reduction features clearly suggesting that the primary activity in the area was stone tool material quarrying. Hearths are 4 percent (n=55) of the features, demonstrating that resource extraction and processing was also an important activity in the project vicinity. The size and shape of the hearths suggests that something small was baked. Unfortunately it is not clear what sort of resource was being processed. Some likely possibilities are plant materials such as seeds, or lithic materials such as chert. ~~Features associated with ceremonial activities (pot drops, trails, cleared circles, rock rings, cairns) are also common, being 11 percent (n=136) of all identified features.~~
22. **Page 4.3-33, Table 4:** It is not clear from which sites these classifications were derived. Regardless, while the "Total" row on the bottom is appropriate, it is not clear why there is a "Total" column on the far right. This "total" would appear to double count sites, as sites excluded from the PAA would still be found in the record search. The relevant information appears to be totals in the record search radius and the sites within the PAA. There is no need for the column "Excluded from the PAA".

23. **Page 4.3-33, Second Full Paragraph, First Sentence:** Applicant provided a sound professional site taxonomy that used the Laylander and Schaefer site-types as appropriate. This information is present in the October 2011 Technical (refer to Table 5-1, Section 5, Section 6, Confidential DPRs, and data responses). Applicant does not agree with the subjective placement of sites found with the PAA into the sub-type categories arbitrarily without additional data. For this reason Applicant did not use the following classification without further data to validate their placement into such categories. Additionally, the report and subsequent data request provided by Applicant is above and beyond what is standard professional practice. In comparison with recently approved projects by the Commission this report surpasses these other documents in level of detail, description, evaluation recommendations, research design, application of the design, all of which was prepared under the guidance and direction of CEC and BLM Staff (Sarah Allred and George Kline). Revise the sentence as follows:

Staff placed archaeological sites ~~In contrast with standard professional practice, the applicant did not place each site~~ into a site-type category based on data provided in the Applicant's ~~their~~ cultural resources technical report (Nixon et al 2011:3-2-3-3), ~~despite~~ using categories identified by staff as appropriate (Laylander and Schaefer 2011a; 2011b).

24. **Page 4.3-35, Table 5:** It is not clear from which sites these classifications were derived, and as noted, Applicant does not agree that these classifications have been done accurately. Regardless, while the "Total" row on the bottom is appropriate, it is not clear why there is a "Total" column on the far right. This "total" would appear to double count sites, as sites excluded from the PAA would still be found in the record search. The relevant information appears to be totals in the record search radius and the sites within the PAA. There is no need for the column "Excluded from the PAA."
25. **Page 4.3-36, Second Paragraph, First Sentence:** The trinomial associated with the Halchidhoma Trail, referenced throughout the PSA as CA-RIV-0053T, is actually the Coco-Maricopa Trail trinomial according to the Eastern Information Center (EIC) housed at the University of California Riverside (UCR) (record accessed on October 22, 2012). It has been referred to interchangeably as the Halchidhoma, Gorgonio-Big Maria, and Coco-Maricopa Trail network (Laylander and Schaefer 2010), however it is important to clarify this in the PSA because nowhere in the archaeological site record for CA-RIV-0053T does it refer to this trail by the name of Halchidhoma. If the Halchidhoma Trail has another trinomial it should be included in the PSA; if not, then the other names of this resource should be provided in the PSA for clarification to the reader.
26. **Page 4.3-38, Table 6:** It is not clear what previous site searches in the "vicinity" includes. Therefore, Applicant suggests clarifying whether this site total presented in this table reflects the total number of previous studies conducted within the required record search radius of the current project site, or the prior record searches of the previously proposed project site, which was much larger. Further, while the "Total" row on the bottom is appropriate, it is not clear why there is a "Total" column on the far right. This "total" would appear to double count sites, as sites excluded from the PAA would still be found in the record search. The relevant information appears to be totals in the record search radius and the sites within the PAA. There is no need for the column "Excluded from the PAA."
27. **Page 4.3-38, Previously Known Ethnographic Resources Identified in the Ethnographic PAA, First Paragraph:** Applicant suggests revising as follows to correct factual information:

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Applicant and Energy Commission staff inquiries to the NAHC resulted in no identifications of previously known ethnographic resources. Staff requested that the NAHC perform a Sacred Lands file check. On January 25, 2012, the NAHC responded that the Sacred Lands File did not contain any information that pertained to the area. A list of Tribal contacts was also provided. The NAHC response to the Energy Commission request was different than the initial (March 4, 2011) similar to two NAHC responses to the Applicant's Sacred Lands file (SLF) search requests. NAHC responses were provided to the Applicant on March 4, 2011 and May 18, 2011. The Applicant's March 4, 2011 NAHC response indicated positive SLF for Section 15 and 16, which are within the PAA. The applicant's second request on March 4, 2011 indicated negative findings for the supplemental SLF search.

28. **Page 4.3-40, Methods, First Paragraph:** Applicant conducted a geoarchaeological assessment of the project and provided it to staff in the technical report as well as a separate response in DR-96C. Staff incorrectly makes claims that the field and reporting methods were unclear, however all of which is clearly indicated in these documents. Revise statement below to accurately summarize the information provided to staff in the geoarchaeological documents:

...The applicant conducted a geoarchaeological assessment through field reconnaissance, research, analysis, and findings, all of which was provided to Staff in the October 2011 Cultural Report Technical Report as well as a separate Geoarchaeological Sensitivity Analysis Report in Data Response 96C. These reports included the results of the field reconnaissance, research, analysis and conclusions supported through text and photographs. ~~extrapolates this information to the south across the proposed project vicinity and supports the extrapolation with what appears to have been a field reconnaissance.~~

29. **Page 4.3-41, First Paragraph, Fourth-Sixth Sentence:** Applicant is not in agreement with the geoarchaeological analysis conducted by Staff regarding the potential for buried deposits in association with paleosols. Please revise the text as shown below:

Paleosols are evidence that a landform was exposed at the surface for a significant amount of time, thus increasing the likelihood that an archaeological site was deposited at that surface prior to burial. Therefore, in terms of identifying portions of the vertical PAA with increased sensitivity for buried archaeological deposits, a paleosol will be far more sensitive. However, paleosols in a high energy depositional environment are not as likely to be intact. A low energy depositional environment is more conducive to post-depositional site preservation than a high energy environment. convenient stratigraphic markers of past land surfaces, but the quality of archaeological preservation is higher in relatively low energy depositional environments that have high depositional rates, such as mid-to-distal fan reaches, than it is at or near the surface of paleosols where archaeological deposits are intrinsically subject to hundreds or thousands of years of mechanical weathering and biological disturbance.

30. **Page 4.3-42, First Carryover Paragraph:** Applicant suggests revising as follows to correct factual information:

...The applicant submitted a draft research design for the second phase geoarchaeological study at the end of May 2012. At the end of June 2012, staff sent the Applicant a letter that, along with other issues, offered comment on the draft research design (CEC 2012ap). Staff found that the draft research design did not provide a

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preliminary reconstruction of the historical geomorphology of the landscape that encompasses the prehistoric archaeological PAA, did not identify or justify the geographic scope of the proposed study, did not provide a cogent theoretical orientation or rationale for the subsurface geoarchaeological research, and did not provide a thorough explanation of nor an explicit rationale for the proposed field methodology in the draft design. The applicant Applicant's geoarchaeological consultant responded to staff comment on the draft research design in mid-July (URS 2012k) largely by referencing the parts of the draft research design that the applicant felt already answered the questions that were the result of staff review of that same document. Given the character of the Applicant's geoarchaeological consultant's response to staff comment on the draft research design, staff decided to attempt the resolution of the outstanding issues in the more open forum of a public workshop.

31. **Page 4.3-42, First Paragraph, Last Sentence and Second Paragraph:** Applicant recommends updating to reflect staff's approval of the geoarchaeology research design and that Applicant will conduct the work in November and deleting the second paragraph in its entirety.
32. **Page 4.3-43 to -44:** The discussion of the prehistoric archeological site totals is confusing and inconsistent. Page 4.3-43 states 248 cultural resources total were located in the PAA, then page 4.3-44 states that 266 archeological sites alone were located in the PAA. It is not clear how Tables 7 and 8 numbers were derived. Applicant's survey updates the prior surveys, and the totals for the prehistoric archeological sites with the PPA appear to be different than Applicant's records, which are included in the updated tables. The updated tables contain confidential cultural resources location information and has been supplied to the CEC on a CD under separate and confidential cover as Confidential Attachment A. Note also that the text on page 4.3-44 states that 21 previously identified resources were revisited and 8 could not be relocated. This is not accurate.
33. **Page 4.3-43, Table 7:** Applicant suggests revising the site counts presented in this table with the information provided in the tables on the attached CD located under separate and confidential cover as Confidential Attachment A to reflect the correct factual information.
34. **Page 4.3-44-45, Results Paragraphs and Table 8:** Applicant suggests using the information provided in the tables on the attached CD located under separate and confidential cover as Confidential Attachment A to revise counts to demonstrate the correct factual information.
35. **Page 4.3-46, First Paragraph and Table 9:** Applicant suggests using the information provided in the tables on the attached CD located under separate and confidential cover as Confidential Attachment A to revise counts to demonstrate the correct factual information.
36. **Page 4.3-47, Ethnographic Field Investigations: Energy Commission Ethnography Study, First Paragraph:** Applicant suggests revising as follows for consistency with CEQA:
This section should be revised to remove any suggestion that the CEC has authority to make significance determinations under the NHPA:

Ethnography fulfills a supporting role for other anthropological disciplines as well as contributions on its own merits. Ethnography provides a supporting role to the discipline of archaeology by providing a cultural and historic context for understanding the people that are associated with the material remains of the past. By understanding the cultural milieu in which archaeological sites and artifacts were manufactured, utilized, or cherished, this additional information can provide greater understanding for identification efforts, making significance determinations ~~per the National Historic~~

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Preservation Act (NHPA) or under CEQA; and eligibility determinations for the NRHP or the CRHR of qualified cultural resources; and for assessing if and how artifacts are subject to other cultural resources laws, such as the Native American Graves Protection and Repatriation Act.

37. **Page 4.3-47, Last Full Paragraph:** The PSA cites NPS 2007, but that reference is not provided in the reference section. Additionally, assuming this relates to federal guidance for management of national parks, it is not applicable to application of CEQA and should not be relied upon.
38. **Page 4.3-51, Last Bullet:** Staff states they were unable to complete their prehistoric trail assessment to due time and budget constraints. Since the assessment is still underway it is premature given the absence of a research design to state “enough trail information is available to inform the definition of two sacred trail landscapes.” Due to the absence of a research design, rationale, or data to reinforce this claim, this sentence should be removed entirely until which time evidence to support this statement can be provided. Please make the following change:

~~However, enough trail information is available to inform the definition of two sacred trail landscapes~~

39. **Page 4.3-54, Second Full Paragraph:** There is no basis cited for the assumption that prehistoric village moved west to the project site during flooding periods, so the presumption should be deleted:

~~During times of flooding groups moved to mesas or other nearby high ground (Bee 1963:208; Forbes 1963:57–61), and it is probable that this village, and any other floodplain villages in the vicinity, would have moved west to the Palo Verde Mesa, close to or within the Rio Mesa SEGF project vicinity, during annual flooding periods.~~

40. **Page 4.3-54, Third Paragraph, Third through Eleventh Sentences:** Provide references for the information included in PSA shown below.

Ahpe-hwelyeve, one of these places, is located just east of the present-day town of Palo Verde. It appears to be a place where a Mohave culture hero solidified an amity alliance by sharing tobacco with the men assembled in the main house. It is assumed that the people who dwelled in this village were Quechan. The village leader and people of *Ahpe-hwelyeve* reciprocated by providing a wife and a meal of beans and corn mush. This place is located on a rise in the floodplain of the Palo Verde Valley. The Palo Verde Mesa escarpment is approximately three miles to the west and a good quality spring (Clapp Spring) is located another five miles west across the Palo Verde Mesa and just underneath “The Thumb,” a monumental outcrop of rock.

While cultivated crops provided up to 40 percent of the diet for those dwelling in the Palo Verde Mesa, and while fish provided another 10 percent of the diet, the remaining 50 percent of the diet came from wild and semi-wild plant gathering and animal hunting. The plant and animal subsistence activities occurred in the floodplain, mesas, immediate mountains, such as the Mule and Palo Verde Mountains, and in the washes that incise the alluvial fans that surround the mountains. Despite the abundance of soil fertility of the lower Colorado River valleys and the ease of cultivation there, leading to abundant food supplies, there were times when the river did not flood, or repeatedly flooded and seasonal crops were not secured. In these times, upland mesas, alluvial fans, and nearby mountains became essential sources for food procurement.

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41. **Page 4.3-65, Last Paragraph:** Provide references for the information included in PSA shown below:

An example of Yuman culture-pattern dreaming is where various dreamers, independent of one another dream of the same series of events with the same deities engaged in helping the dreamer to gain some aspect of knowledge, insight or foresight, or other power. Characteristically, one of the most prevalent culture-patterned dreams involves the Creator *Mastamho* assisting the dreamer along the Xam Kwatcan/Dream Trail on a journey to Spirit Mountain, the place of Yuman creation. Yuman people wishing to reconnect with the fundamental principles of their culture can physically walk the Xam Kwatcan/Dream Trail as a form of reconnection back to the place or origin. Those that wish to make the journey often can dream the pilgrimage. Yuman dreamers currently travel the Xam Kwatcan/Dream Trail on a regular basis.

42. **Page 4.3-87, First Full Paragraph:** The threshold for ineligible resources should be revised and clarified. Please refer to Cultural Resources General Comment 1 in Volume 1 of Applicant's comments on the PSA.

43. **Page 4.3-87, Fourth Full Paragraph, First, Second, Third, and Fourth Sentences:** Staff states throughout the PSA that additional data is required to make evaluation and landscape/district contributor recommendations. It should be recognized that detailed summary site descriptions and DPRs, which include very descriptive detail of the resources, were provided by Applicant. In order to keep the text consistent with this approach and include accurate statements the number of potential contributors and sites requiring testing should be confirmed and the following passage should be revised:

All 166 individual prehistoric resources are currently considered by staff to be potential contributors to two CEC and Riverside County previously-proposed and assumed identified and related CRHR-eligible archaeological districts, the PTNCL/District and the PQAD (Bastian 2010). In all, 108 resources will require additional field and laboratory analysis to determine if buried components are present, and/or each resource has the potential to yield information important in prehistory. However, staff requests additional data from the Applicant to make final CRHR eligibility recommendations to the Commissioners for their determinations of eligibility. For this, staff requests is lacking key information about these individual resources. Phase II field and laboratory work is required to supplement the very basic descriptive information collected during the initial pedestrian surveys. Without these additional studies, staff cannot adequately Staff requires additional studies to identify potential impacts to resources or design project-specific mitigation measures, as advised by CEQA (Pub. Resources Code, § 21083.2 21084.1; Cal. Code Regs., tit. 14, §§ 15064.5(f)(c) and 15126.4(b)).

44. **Page 4.3-88, First Paragraph:** The geoarchaeologist did not determine there were areas with a "high" likelihood for "well-preserved, buried cultural materials". There are certain areas where the assessment found areas to have a higher potential for having buried cultural material, however their likelihood of being well preserved is inaccurate and highly unlikely given erosional processes at work within the PAA. Revise to accurately reflect what the assessment determined for the overall PAA:

The sediments on which the Rio Mesa SEGF project and linear facility alignments are proposed to be built are considered to have varying possibility (low to moderate high) to contain well-preserved, buried cultural materials...~~Without these additional studies,~~

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~~staff cannot adequately~~ Staff requires additional studies to identify potential impacts to resources or design project-specific mitigation measures, as advised by CEQA (Pub. Resources Code, § ~~21083.2~~ 21084.1; Cal. Code Regs., tit. 14, §§ 15064.5(~~f~~)(c) and 15126.4(b)).

45. **Page 4.3-88, Second Full Paragraph, First Sentence:** Note that Applicant disagrees that Phase II testing is warranted on all the sites recommended by CEC. See Cultural Resources General Comment 5.
46. **Page 4.3-88-89, Table 12:** No rationale is provided for placement of sites into subjective categories such as 7 extractive camps, 6 resource extraction/processing, and 24 religious ceremonial locations. Applicant requests that Staff provide its rationale for placing these sites into these categories in Table 12, and site type totals in Table 12 be cross-referenced against the information provided in the tables on the attached CD located under separate and confidential cover as Confidential Attachment A to revise counts to demonstrate the correct factual information.
47. **Page 4.3-89, Table 12:** No rationale or explanation is given for which 16 sites were determined eligible or why.
48. **Page 4.3-89, Fifth Paragraph, First Sentence:** Applicant suggests using the information provided in the tables on the attached CD located under separate and confidential cover as Confidential Attachment A to revise counts to demonstrate the correct factual information and otherwise clarifying the sentence below:

Pending additional data, staff assumes all 166 166 individual prehistoric resources are potential contributors to two CEC and Riverside County ~~previously proposed and assumed identified and related~~ CRHR-eligible archaeological districts (Bastian 2010), the PTNCL/District and the PQAD.

49. **Page 4.3-90, First Partial Paragraph, Third sentence:** The landscape has not yet been nominated or determined eligible. The boundaries of this landscape have also changed since the Rio Mesa SEGF project started, in order to subsume this project within that landscape. Based on published guidelines found in the *National Register Bulletin, Guideline for Evaluating and Nominating Archaeological Properties*, it is inaccurate to define CRHR landscapes and/or district arbitrarily based on project boundaries or other modern day assumptions with regards to such boundaries, however staff has devised a new boundary based on their current analysis. Therefore this sentence should be revised to accurately reflect the current boundary definitions.

The boundaries of this archaeological district ~~have been tentatively~~ are defined by staff as the length of the historically known route of the Halchidhoma Trail, from where it begins near Blythe at the Colorado River, continuing to the west through the Chuckwalla Valley towards modern Los Angeles, with a width of 10 m.

50. **Page 4.3-91, Impacts to the Prehistoric Trails Cultural Landscape/District, First and Second Paragraph:** Applicant suggests revising as follows for consistency with CEQA:

Staff has ~~concluded~~ recommended that 41 sites are contributors to the proposed PTNCL, a previously identified, ~~assumed not yet determined~~ CRHR eligible, discontinuous archaeological and ethnographic district in the prehistoric archaeological PAA, ~~and are therefore historical resources for the purposes of CEQA~~ (Cultural Resources Table 12, above). All sites that include trail segments, cleared circles, rock rings, cairns, and pot drops are in this list, including 11 trail segments, 9 isolated pot drops, 7 extractive

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camps, 11 lithic quarry/workshops, 1 resource extraction/processing site, and 2 artifact scatters. Staff has identified 25 of these sites as requiring Phase II archaeological investigation in order to determine if buried resources are present or if these sites are also contributors to the PQAD, described below.

Construction activity on the Rio Mesa SEGF plant site and the proposed linear alignments may cause the destruction of these 41 ~~historical~~ resources. The destruction of these sites through the construction of the proposed project ~~would~~ may cause a substantial adverse change in the significance of these ~~historical~~ resources under CRHR Criterion 4 (likely to yield information important to prehistory) if they are determined to be contributors to a historical resource.

51. **Page 4.3-93, Last Paragraph:** Delete reference to **CUL-14**, as there is no soil burrow pit associated with the project.
52. **Page 4.3-97, Third Full Paragraph:** The following paragraph is repeated twice; one should be deleted:

Another personal item found in the vicinity was a soldier's dog-tag that is of a type dating back to WWII, identifying an enlisted man named H. Harris, whose home address was Greensboro, North Carolina (PVM-SM-ISO-089). According to the 77th Division personnel list (77th Infantry Div. 1947:496) there were at least two enlisted men and one officer named Harris with the 307th Regiment whose names began with "H." So, he may have been a member of the 77th Division. However, he may also have been with another military unit, which may provide leads to additional units involved in training in the Rio Mesa SEGF vicinity.

~~Another personal item found in the vicinity was a soldier's dog-tag that is of a type dating back to WWII, identifying an enlisted man named H. Harris, whose home address was Greensboro, North Carolina (PVM-SM-ISO-089). According to the 77th Division personnel list (77th Infantry Div. 1947:496) there were at least two enlisted men and one officer named Harris with the 307th Regiment whose names began with "H." So, he may have been a member of the 77th Division. However, he may also have been with another military unit, which may provide leads to additional units involved in training in the Rio Mesa SEGF vicinity.~~

53. **Page 4.3-98, Fourth Full Paragraph:** The presence of pull tab aluminum cans has no bearing on the potential indication of Desert Strike activities. This area consists of widely dispersed historic and modern artifacts (as well as prehistoric) which have been subject to sheet wash, flash flooding, wind and other factors, therefore the simple presence of such artifacts is a very poor rationale at indicated a potential presence of Desert Strike activities without any additional military related paraphernalia. Revise sentence below:

There is no evidence that ~~It is not clear whether~~ the Rio Mesa SEGF project site was part of this exercise, although it appears that some of the deposits of military food refuse were associated with pull-tab beverage cans, which were not developed until 1959. The area is also common for refuse disposal, recreation pot hunters looking for prehistoric and/or historic collectables, therefore these pull-tab cannot be attributed to Operation Desert Strike. No additional ~~Further~~ research is recommended for these types of resources. ~~may confirm or deny the association of some of the Rio Mesa SEGF historical archaeological sites with Desert Strike.~~

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54. **Page 4.3-99, First Partial Paragraph, Fourth Sentence:** The 30 meter criteria is present in the PTNCL field manual and was approved by CEC (Sarah Allred and Michael McGuirt) in the work plan and in personal communication with BLM (George Kline), and it is also a standard method applied throughout Riverside County. It is incorrect to state it was a "mode" that Applicant selected for defining the site boundaries. Revise sentence below:

...Such sites were identified by the continuous extent of artifactual finds (e.g., having no separation in excess of 100 meters between artifacts, the latter distance being part of the required defined method per BLM and CEC for applicant's mode of defining site boundaries). This protocol defied the splitting up of the mega-sites into smaller, individual sites.

55. **Page 4.3-99, Table 13:** Applicant suggests using the information provided in the tables on the attached CD located under separate and confidential cover as Confidential Attachment A to revise counts to demonstrate the correct factual information.

56. **Page 4.3-102, First Full Paragraph:** There is no evidence of habitations in the historic archeological PAA (direct area of impact), although Rannells may have existing in the broader built-environment PAA, revise as follows:

The second type of historic-period refuse site would be associated with a long-term habitation; however, ~~few, if any~~ no such habitations were identified in the historical archaeological PAA. Habitations may have occurred in ~~The main such site would be that of the defunct town of Rannells (discussed below under "Historic-Period Built-Environment Context"), which is located in the broader build-environment PAA but of which~~ no evidence remains above ground.

57. **Page 4.3-103, Fourth Paragraph, Third Sentence:** Revise to clarify and include accurate CEQA terminology:

For the DTC Food-Related sites, which are historical resources for the purposes of CEQA, staff concludes that the existing data recovery is adequate and that these contributing historic resources are considered to be mitigated to less than significant levels, and therefore ~~proposes~~ no additional mitigation for project impacts to the DTC Food-Related sites is required.

58. **Page 4.3-103 to 109:** The discussion of the 32 DTC Maneuver sites and related mitigation should be revised per Cultural Resources General Comment 23.

59. **Page 4.3-110, Table 14:** Applicant suggests using the information provided provided in the tables on the attached CD located under separate and confidential cover as Confidential Attachment A to revise counts to demonstrate the correct factual information. While the "Total" row on the bottom is relevant, the "Total" column on the far right is not meaningful. Additionally, where proposed mitigation is noted as "none", it should be explained that none means that completed documentation is sufficient.

60. **Page 4.3-117, Third Paragraph, Entire Paragraph:** As explained in Cultural Resources General Comments 12, 25, 31, 32, and 33 the rationale for the Palo Verde Mesa Ethnographic Landscape does not meet the very basic definition and provides only firsthand rationale based on the authors subjective opinion regarding this landscapes significance. The Palo Verde Mesa Ethnographic Landscape discussion should be stricken.

61. **Page 4.3-117, Last Two Full Paragraph, Entire:** As noted in Cultural Resources General Comments 12, 25, 26-30, there is no rational for stating that the Salt Song Trail Landscape is

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eligible under Criteria 1 or Criteria 3. Strike out or revise this statement and provide a rationale as to why this landscape is eligible under Criteria 1 or 3 following published State and Federal guidelines.

62. **Page 4.3-117 to -118:** As noted in Cultural Resources General Comments 12, 25, and 26-30, there is no rationale for stating that the Keruk Trail Landscape is eligible under Criteria 1 or Criteria 3. Strike out or revise this statement and provide a rationale as to why this landscape is eligible under Criteria 1 or 3 following published State and Federal guidelines.
63. **Page 4.3-118, Last Two Full Paragraphs:** As discussed in Cultural Resources General Comment 12, 25, and 31-33, the Palo Verde Mesa Ethnographic landscape lacks rationale as to why it is an ethnographic resource. No information regarding primary or secondary sources is included, nor are the reasons for its significance. This entire proposed landscape should be removed as it largely depends on archaeological resources. Strike discussion of this landscape on this page.
64. **Page 4.3-120, Table 18:** As discussed in Cultural Resources General Comment 12, 25, and 31-33, the Palo Verde Mesa Ethnographic Landscape lacks rationale as to why it is an ethnographic resource, and Table 18 should be deleted.
65. **Page 4.3-121 to -122, Last Two Paragraphs:** With respect to the Palo Verde Mesa Ethnographic Landscape, delete the boundary discussion on page 4.3-121, the period of significance discussion on page 122 and Table 19 on page 4.3-122-123 should be deleted. The table of events is data that may be able to associate archaeological sites with significant events and should be integrated where feasible. But this proposed landscape does not provide valid information as to why it qualifies as an ethnographic landscape or resource, the list of historic events do not provide any additional data pertaining to ethnographic importance. For this reason, Applicant requests that this section be stricken.
66. **Page 4.3-125 to -126:** Delete the discussion of the Palo Verde Mesa Ethnographic Landscape for reason listed above. As discussed in Cultural Resources General Comments 31-33, the discussion of the changes to the landscape undermines the conclusions of integrity for the Palo Verde Mesa Landscape.
67. **Page 4.3-127, First Full Paragraph:** Please provide references for the statement that traditional cultural and religious practitioners believe the Rio Mesa SEGF heliostats would confuse the souls on their journey to the afterlife.
68. **Page 4.3-127, Third Full Paragraph:** Please provide citations for any evidence that Salt Song Trail tribes have had funeral ceremonies adjacent to the site.
69. **Page 4.3-127, Last Paragraph:** CEQA does not protect from generalized fears. Delete the discussion that the Chemehuevi could fear retaliation from the Paiute if they were to allow development to occur in this area.
70. **Page 4.3-128, Second Full Paragraph:** Applicant objects to negotiations over compensatory mitigation without showing a nexus for mitigation.
71. **Page 4.3-129 to -130, Last Paragraph:** It appears that the analysis for the Salt Song Trail was cut and pasted into the discussion of the Keruk Trail. Delete references to beliefs that the heliostats would diminish the power of the songs, as that does not apply to the Keruk Trail.
72. **Page 4.3-130, Second Paragraph, First Sentence:** It appears that the analysis for the Salt Song Trail was cut and pasted into the discussion of the Keruk Trail. Correct references (and analysis) to discuss the relevant resource. As noted in Cultural Resources General Comment 29, CEQA

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does not provide protections for deceased souls or generalized fear regarding what might occur to deceased souls.

Construction would also have indirect impacts for the deceased who travel the ~~Salt Song Trail~~ Keruk Trail/Xam Kwat can/Earth figures landscape, to the traditional practitioners that guide the deceased along the trail, and to the surviving relatives.

73. **Page 4.3-132 to -133:** As discussed above, the Palo Verde Mesa Ethnographic landscape has no ethnographic component to it. There is no an account or traditional/religious Native American beliefs associated with this landscape. This landscape in more appropriately assessed for significance under the auspices of the archaeological districts/landscapes being proposed. For this reason the following discussion of impacts to and mitigation for the Palo Verde Mesa Ethnographic Landscape should be stricken entirely.
74. **Page 4.3-134-135, Entire Section From Second Paragraphs to End:** Delete summary impact discussion of the Palo Verde Mesa landscape for reason listed above.
75. **Page 4.3-140, Last Two Paragraphs:** The discussion of the Bradshaw Trail should include a discussion that acknowledges the changes to the trail in the project vicinity and the fact that it is not known to be the original location.

The portion of the property recorded consists of a paved and graded dirt road that extends west from the intersection of 30th Avenue and SR 78 in Ripley, CA to one-half mile past the northwest corner of the project area in the foothills of the Mule Mountains. The segment of the property in the project area is approximately five and one-half miles. The original Bradshaw Trail extended a length of approximately 101 miles from La Paz, Arizona to San Bernardino County, California. Non-historic period asphalt has been added to the eastern one and one-half miles of the portion of the Bradshaw Trail since the property was originally constructed. Additionally, non-historic period canal features and transmission lines approximately 30 feet tall have been added to the area immediately adjacent to the eastern segment of the property. The dirt portion of the road has been graded.

76. **Page 4.3-144, Second and Third Full Paragraphs:** The discussion of the Bradshaw Trail past eligibility determination was made on a different segment of the trail, which should be added to this section.

Bradshaw Trail was previously recorded by Brad Strum of LSA Associates in 1993. Although the resource was described in the site form as "a major link between coastal California and the gold mines of La Paz, Arizona," and assigned a period of significance from 1862 to present, a full significance evaluation was not included. However, the 1993 report citation is entitled, "Southern California Gas Company Natural Gas Line 6902 Project - The Bradshaw Trail Recommendation for National Register Eligibility." In 1994, an Archeological Site Record was completed as part of a cultural resources inventory for the Western Area Power Administration Blythe-Knob 161-kV Transmission Project. The Site Record stated the Bradshaw Trail may represent a significant historical archeological site given its relationship with early transportation in the region; however, it concluded that the portion of the site within that project area "does not contribute to the qualities that make the site eligible for NRHP status" (WCRM Report No.94AZ004) and a detailed significance evaluation was not provided. According to the Eastern Information Center (the California Historical Resources Information Center for Riverside County), Bradshaw Trail, as a whole, was determined as eligible for listing on NRHP and

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assigned Status Code 2S2 (individual property determined eligible for the National Register by consensus through the Section 106 process) in 1997. Additional updates for Bradshaw Trail completed in 2001 by Apple and Cleland and in 2004 by Apple and Lilburn. Neither of these recent updates included an evaluation of the property.

77. **Page 4.3-147, First Paragraph:** References to the NRHP eligibility should be deleted, as the PSA is analyzing CRHR eligibility. Further, the PSA does not provide substantial evidence to support its consideration of eligibility as discussed in Cultural Resources General Comment 1.

78. **Page 4.3-150, Third Paragraph:** There is no evidence to support an eligibility determination for the Bradshaw Trail Burrow Pit, the third paragraph should be revised to find it ineligible:

Based on the available information about the borrow pit and its history, the Borrow Pit is not eligible~~no determination of eligibility or significance can be made at this time. It is unlikely that it is of sufficient age to require evaluation. Staff is continuing to research this issue and more information will be provided in the FSA.~~

79. **Page 4.3-153, Second Paragraph:** The PSA departs from prior areas of cumulative effects in that the local area is much larger than used by the CEC for the analysis of Genesis, Palen, or Blythe projects, which used a 192 square mile I-10 corridor, versus the 1,000 square miles used here. Please justify the larger area.

80. **Page 4.3-155, Table 22:** Applicant suggests using the information provided in in the provided in the tables on the attached CD located under separate and confidential cover as Confidential Attachment A to revise the number of known archaeological resources associated with the RMS Project to demonstrate the correct factual information.

81. **Page 4.3-174, Second Paragraph, Second Sentence:** Suggest revising for consistency with CEQA:

~~Without these~~ Staff requires additional field and laboratory studies, ~~staff cannot adequately to~~ identify potential impacts to resources or design project-specific mitigation measures, as advised by CEQA (Pub. Resources Code, § ~~21083.2~~ 21084.1; Cal. Code Regs., tit. 14, §§ 15064.5(f)(c) and 15126.4(b)).

82. **Page 4.3-174, Third Paragraph, First Sentence:** Applicant disagrees with the conclusions of significant unmitigable impacts and disagrees that as many as 108 sites should be tested or presumed eligible pending testing. See Cultural Resources General Comment 3.

83. **Page 4.3-177, Cumulative Impacts, First Sentence:** Applicant disagrees with the conclusions of significant unmitigable impacts and disagrees that as many as 108 sites should be tested or presumed eligible pending testing. See Cultural Resources General Comment 3 .